

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

## **IMAGES ARE BEST AVAILABLE COPY.**

As rescanning documents *will not* correct images,  
please do not report the images to the  
**Image Problem Mailbox.**



592SC

Teruhiko Tobinai

### DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventors (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **STRATIFIED SCAVENGING MECHANISM OF A TWO-STROKE ENGINE**, the specification of which

\_\_\_\_\_ is attached hereto.  
\_\_\_\_\_ was filed on June 26, 2003.  
as Application Serial No. 10/606596  
and was amended on \_\_\_\_\_.  
(If Applicable)

I hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendments referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56, copy attached.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| <u>Prior Foreign Application(s)</u> |              |                   | <u>Priority Claimed</u>             |            |
|-------------------------------------|--------------|-------------------|-------------------------------------|------------|
| <u>2002-194,986</u>                 | <u>Japan</u> | <u>03/07/2002</u> | <input checked="" type="checkbox"/> | (Yes) (No) |
| Number                              | Country      | Day/Month/Year    |                                     |            |
| <u>2002-311,358</u>                 | <u>Japan</u> | <u>25/10/2002</u> | <input checked="" type="checkbox"/> | (Yes) (No) |
| Number                              | Country      | Day/Month/Year    |                                     |            |
| Number                              | Country      | Day/Month/Year    | (Yes)                               | (No)       |
| Number                              | Country      | Day/Month/Year    | (Yes)                               | (No)       |

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| Application Ser. No. | Filing Date | Status |
|----------------------|-------------|--------|
| Application Ser. No. | Filing Date | Status |

I further declare that I do not know and do not believe that the invention claimed in this application was ever known or used by others in this country before my invention thereof, or patented or described in any printed publication in any country before my invention thereof, or more than one year prior to this application or any prior U.S. application above identified in which said invention may have been disclosed, or in public use or on sale in the United States of America for more than one year prior to this application or any prior U.S. application above identified in which said invention may have been disclosed.

#### POWER OF ATTORNEY

And I hereby appoint as my attorneys with full power of substitution to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith the following individual members and/or associates and/or counsel of the firm of

**REISING, ETHINGTON, BARNES, KISSELLE, P.C.**  
P.O. Box 4390  
Troy, Michigan 48099-4390  
Phone: (248) 689-3500  
Fax: (248) 689-4071

to which address please send all correspondence concerning this application:

| <u>Attorney</u>     | <u>Reg. No.</u> | <u>Attorney</u>     | <u>Reg. No.</u> |
|---------------------|-----------------|---------------------|-----------------|
| Edward J. Biskup    | 18,987          | John F. Learman     | 17,069          |
| David D. Burns      | 46,238          | Steven L. Permut    | 28,388          |
| Robert C. Collins   | 27,430          | Matthew J. Schmidt  | 43,904          |
| Paul J. Ethington   | 17,299          | William J. Schramm  | 24,795          |
| Robert L. Farris    | 25,112          | James D. Stevens    | 35,691          |
| Francis J. Fodale   | 20,824          | William J. Waugaman | 20,304          |
| William H. Francis  | 25,335          | Steven B. Walmsley  | 48,021          |
| William H. Griffith | 16,706          | Charles R. White    | 20,494          |
| Andrew M. Grove     | 39,697          | John D. Wright      | 49,095          |
| George A. Grove     | 23,023          |                     |                 |
| Eric T. Jones       | 40,037          |                     |                 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor

|          |        |         |
|----------|--------|---------|
| Teruhiko | -      | Tobinai |
| First    | Middle | Last    |

Inventor's Signature

*Teruhiko Tobinai*

Date

10-03-03

Residence

Miyagi-ken, Japan

Citizenship

Japanese

Post Office Address

4-28 Nankondai 2-Chome

Izumi-ku, Sendai-shi

Miyagi-ken 981-8003, Japan

Full name of second joint inventor

|       |        |      |
|-------|--------|------|
| First | Middle | Last |
|-------|--------|------|

Inventor's Signature

\_\_\_\_\_

Date

\_\_\_\_\_

Residence

\_\_\_\_\_

Citizenship

\_\_\_\_\_

Post Office Address

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Full name of third joint inventor

|       |        |      |
|-------|--------|------|
| First | Middle | Last |
|-------|--------|------|

Inventor's Signature

\_\_\_\_\_

Date

\_\_\_\_\_

Residence

\_\_\_\_\_

Citizenship

\_\_\_\_\_

Post Office Address

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

[42 FR 5593, Jan. 28, 1977; paras. (d) & (e) - (i), 47 FR 21751, May 19, 1982, effective July 1, 1982; para. (c), 48 FR 2710, Jan. 20, 1983, effective Feb. 27, 1983; paras. (b) and (j), 49 FR 554, Jan. 4, 1984, effective Apr. 1, 1984; paras. (d) and (h), 50 FR 5171, Feb. 6, 1985, effective Mar. 8, 1985; para. (e), 53 FR 47808, Nov. 28, 1988, effective Jan. 1, 1989; 57 FR 2021, Jan. 17, 1992, effective Mar. 16, 1992; para. (e) added, 65 FR 54604, Sept. 8, 2000, effective Nov. 7, 2000]